

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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EDWARD MORGAN

Plaintiff,

CIVIL ACTION NO. **TBD**

v.

TARGET CORPORATION

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Defendants.

**NOTICE OF REMOVAL**

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Pursuant to 28 U.S.C. § 1446(a), Defendant **Target Corporation** (“Defendant”), hereby invokes this Court’s jurisdiction under the provisions of 28 U.S.C. §§ 1332 and 1441(a) and states the following grounds for removal:

1. On or about **February 7, 2020**, the Plaintiff filed an action, styled and captioned as above and assigned Civil Action No. **2081CV00360**, for alleged negligence against Defendant in **Middlesex County Superior Court**. A copy of the Complaint is attached as **Exhibit A**.
2. The Plaintiff served the Summons, Tracking Order, Civil Action Cover Sheet and Complaint upon Defendant on or about **March 5, 2020**. Copies of the Summons, Tracking Order and Civil Action Cover Sheet are attached as **Exhibits B, C and D**, respectively.
3. The Complaint, Summons, Tracking Order and Civil Action Cover Sheet constitute all process, pleadings, and orders served on Defendant to date in this action. See **Exhibits A, B, C and D**.
4. Having been filed within 30 days of service of the Summons and Complaint upon Defendant, this Notice of Removal to the United States District Court has been filed in a

timely manner pursuant to the provisions of 28 U.S.C. § 1446(b). See Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 347-48, 119 S. Ct. 1322, 1325 (1999).

5. The Defendant will promptly provide written notice, as required by 28 U.S.C. § 1446(d), to the adverse party and clerk of the state court in which this case was initially filed.
6. Jurisdiction exists over this removed action, pursuant to 28 U.S.C. § 1441, because this action could originally have been filed in the United States District Court, pursuant to 28 U.S.C. § 1332(a)(1), on the basis that there is complete diversity of citizenship between the plaintiff and Defendant, **Target Corporation**, and the amount in controversy exceeds **\$75,000**:
  - a. Based on the Complaint, the Plaintiff is an individual residing in **Dracut, Middlesex County, Massachusetts**. See Exhibit A.
  - b. Defendant Target Corporation, is a Minnesota corporation with its principal place of business in Minneapolis, Minnesota.
  - c. The Plaintiff's complaint states that the Plaintiff, **Edward Morgan** was caused to sustain severe and permanent injuries, was caused to be disabled and will be disabled in the future, was caused and will be caused great pain in body and mind, and has been caused to incur and will incur medical and hospital expenses for said injuries and that the Plaintiff's ability to enjoy life and earn income and attend to his usual activities was greatly damaged. . A copy of the Plaintiff's Complaint is attached as Exhibit A.
  - d. In the Civil Action Cover Sheet that the Plaintiff filed with the Massachusetts Superior Court, the Plaintiff claims medical expenses totaling **\$29, 627** and lost

wages and compensation to be determined. A copy of Plaintiff's Civil Action Cover Sheet is attached as **Exhibit D.**

- e. On or about **November 6, 2019** the Plaintiff, through his counsel, communicated a settlement demand of **\$90,000.00** to Target Corporation's representative.
7. Pursuant to 28 U.S.C. §§ 101 and 1441(a), the United States District Court for the District of Massachusetts is the proper forum for removal of the state court action which was commenced in **Middlesex County Superior Court.**

WHEREFORE, Defendant requests that the action pending in **Middlesex County Superior Court** be removed therefrom to this Court and proceed as an action properly so removed.

Respectfully submitted,

Target Corporation

*/s/ Sean J. Milano*

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 24, 2020

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**Counsel for Plaintiff**

/s/ Sean J. Milano  
Sean J. Milano